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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rohit Satish Kalbag

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

07/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/685,359	Applicant(s) KALBAG, ROHIT SATISH	
	Examiner SIMON SING	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 18-28, 30-40, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 18-28, 30-40, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7-15, 18-21, 23, 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al. US 5,937,037 in view of Chen et al. US 6,857,024 and further in view of Treyz et al. US 6,526,335.

1.1 Regarding claim 1, Kamel discloses a method of message delivery using a voicemail message system, comprising:

receiving from a party (an advertiser), at the voicemail system a message and a category designation for the message (column 4, lines 23-65; column 7, lines 43-50; column 11, lines 64-67; column 12, lines 1-3; column 5, lines 15-16; column 6, lines 16-17);

storing said message in a storage area corresponding to the category (column 4, lines 55-65; column 5, lines 59-64; column 7, lines 43-50);

retrieving messages from said storage area based on a user of said voicemail system choosing category (column 9, lines 64-67; column 10, lines 1-11, 30-35, 55-59; column 9, lines 30-50); and

presenting said messages to said user (column 9, lines 30-50; column 10, lines 6-26).

Kamel further teaches that each user has an individual mailbox for storing messages (column 4, lines 66-67). Kamel also teaches interacting with an advertisement (column 10, lines 26-30), but fails to teach providing a first choice for said user to place a call to said party, and a second choice for said user to subscribe further messages from said party.

However, Chen teaches a system in that advertisement are categorized (column 4, lines 39-44), and a user has an option to call an advertiser after hearing an advertisement (column 9, lines 55-65). In addition, Treyz teaches an interactive advertisement system in that a user is able to subscriber audio information services (column 62, lines 61-67; column 63, lines 1-11; 20-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kamel reference with the teachings of Chen and Treyz, so that in an advertisement, a user would have been presented a first choice for place a call to an advertiser of the advertisement, and a second choice to subscribe further messages from the advertiser of the advertisement, and subscribed further messages would have been sent to the user's mailbox, because such a modification would provided an interactive advertisement system for providing flexible services to a user, and any message sent to a user's mailbox was identified as a subscribed message since a user in Kamel subscribed to mailbox service.

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1.2 Regarding claim 2, Kamel teaches choosing a category (column 9, lines 64-67; column 10, lines 1-9, 30-35).

1.3 Regarding claim 3, Kamel teaches that category designation is separate from designation of intended recipients (column 4, lines 23-40; column 5, lines 15-16, 58-64; column 6, lines 16-17).

1.4 Regarding claim 4, Kamel teaches presenting an audio message (column 4, lines 23-30; column 10, lines 16-30).

1.5 Regarding claim 7, examiner takes an official notice that it was well known in the art that a user was notified when a new voicemail message was received.

1.6 Regarding claim 8, the modified Kamel reference teaches placing a call to said party as stated above.

1.7 Regarding claim 9, Kamel teaches distribution parameters (column 11, line 64 to column 12, line 4).

1.8 Regarding claims 10 and 14, Kamel teaches matching distribution parameters (column 11, line 64 to column 12, line 11; column 5, lines 15-16, 31-34; column 6, lines 16-17).

1.9 Regarding claims 11 and 12, Kamel teaches a message retaining period (expiration parameter) (column 12, lines 21-27).

1.10 Regarding claim 13, Kamel teaches receiving distribution parameters (column 5, lines 31-34; column 11, line 64 to column 12, line 4).

1.11 Regarding claim 15, Kamel teaches incrementing a counter for said message (column 19, lines 25-35).

1.12 Regarding claim 18, Kamel teaches distribution parameters (column 11, line 64 to column 12, line 4) and a message retaining period (expiration parameter) (column 12, lines 21-27).

1.13 Regarding claim 19, Kamel teaches matching distribution parameters (column 11, line 64 to column 12, line 11; column 5, lines 15-16, 31-34; column 6, lines 16-17).

1.14 Regarding claim 20, Kamel teaches a message retaining period (column 12, lines 21-27).

1.15 Regarding claim 21, Kamel teaches incrementing a counter for said message (column 19, lines 25-35).

1.16 Regarding claims 23 and 37, the modified Kamel reference fails to teach placing a call to said party.

However, Chen teaches a system in that advertisement are categorized (column 4, lines 39-44), and a user has an option to call an advertiser after hearing an advertisement (column 9, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kamel reference with the teaching of Chen, so that interacting with an advertisement would have included placing a call to an advertiser, because such a modification would enabled a user to get more formation from the advertiser.

1.17 Regarding claim 27, Kamel further teaches:
searching each of said categories to retrieve said categories to retrieve messages for the user (column 9, lines 27-50; column 10, lines 30-35), but fails to teach placing a call to said party.

However, Chen teaches a system in that advertisement are categorized (column 4, lines 39-44), and a user has an option to call an advertiser after hearing an advertisement (column 9, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kamel reference with the teaching of Chen, so that interacting with an advertisement would have included placing a call to an

advertiser, because such a modification would enabled a user to get more formation from the advertiser.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al. US 5,937,037 in view of Chen et al. US 6,857,024 and further in view of Treyz et al. US 6,526,335 and further in view of Lester US 7,363,302.

The modified Kamel reference teaches playing advertisement to a user, but fails to teach that advertisements can be in text format and converted to voice.

However, Lester teaches that an advertisement is in text format and converted to voice for playing to a user (column 38-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kamel reference with the teaching of Lester, so that advertisements in text format would have been converted to voice for paying to a user, because such a modification would enabled the voicemail system to play advertisements in text format to users.

3. Claims 22, 24-26, 28, 30-36, 38-40, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al. US 5,937,037 in view of Treyz et al. US 6,526,335.

3.1 Regarding claim 22, Kamel teaches a method of receiving messages, comprising:

accessing a message system having a plurality of messages stored in categorized storage areas (queues), wherein categories of said categorized storage areas are independent of intended recipients of said messages (column 4, lines 23-40; column 5, lines 15-16, 58-64; column 6, lines 16-17);

choosing at least one of said categories to obtain at least one chosen category (column 9, lines 64-67; column 10, lines 1-9, 30-35);

retrieving messages from said chosen category (column 10, lines 6-9, 24-25);
and

incrementing counters for said messages when said messages are retrieved, each of said counters associated one of said messages input to said message system by a party, each of said counter accessible by said party for determining a number of times said one of said messages is retrieved (column 19, lines 25-35, 53-55).

Kamel also teaches interacting with an advertisement (column 10, lines 26-30), but fails to teach providing an option to a user to subscribe further messages from said party.

However, Treyz teaches an interactive advertisement system in that a user is able to subscriber audio information services (column 62, lines 61-67; column 63, lines 1-11; 20-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kamel reference with the teaching of Treyz,

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so that in an advertisement, a user would have been presented a choice to subscribe further messages from the advertiser of the advertisement, because such a modification would clarified what kind of option an interactive advertisement would have provided to a user.

3.2 Regarding claim 24, Kamel teaches:

Kamel teaches individual mailbox (column 4, lines 66-67), and identifying future messages from the party send to the user's mailbox (column 11, line 64 to column 12, line 17); and

searching each of said categories to retrieve said categories to retrieve messages for a subscriber (column 9, lines 27-50; column 10, lines 30-35).

3.3 Regarding claim 25, Kamel teaches:

Kamel teaches individual mailbox (column 4, lines 66-67), and identifying future messages from the party send to the user's mailbox (column 11, line 64 to column 12, line 17);

forwarding the messages to a personal message storage area for said user (column 4, lines 66-67; column 5, lines 54-58);

searching each of said categories to retrieve said categories to retrieve messages for the user (column 9, lines 27-50; column 10, lines 30-35).

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3.4 Regarding claim 26, Kamel teaches a voice messaging system (column 4, lines 40-44, 55-65; figure 6A, step 624).

3.5 Regarding claims 28 and 32, Kamel discloses a voicemail system for receiving and storing messages (column 4, lines 23-65), comprising:

- an input controller to receive and categorize voice messages from a sponsor to obtain categorized messages (figures 3A and 3B; column 11, line 64 to column 12, line 3; column 4, lines 40-44);

- a plurality of categorized storage area (queues) for storing the messages (column 4, lines 23-40; column 5, lines 15-16, 58-64; column 6, lines 16-17); and

- an access controller for receiving, from the user, a selection of at least one of said categorized storage area to obtain a selected categorized storage area, to retrieving said categorized messages from said selected categorized storage area, and to present said categorized messages the user (column 9, lines 64-67; column 10, lines 1-11, 16-26, 55-59).

Kamel also teaches interacting with an advertisement (column 10, lines 26-30), but fails to teach providing an option to a user to subscribe further messages from said party.

However, Treyz teaches an interactive advertisement system in that a user is able to subscriber audio information services (column 62, lines 61-67; column 63, lines 1-11; 20-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kamel reference with the teaching of Treyz, so that in an advertisement, a user would have been presented a choice to subscribe further messages from the advertiser of the advertisement, because such a modification would clarified what kind of option an interactive advertisement would have provided to a user.

3.6 Regarding claim 30, Kamel teaches a voice response unit (figure 7, item 720; column 13, line 66 to column 14, line 2).

3.7 Regarding claim 31, Kamel teaches subscriber databases (column 12, lines 3-7; column 5, lines 36-42; column 4, lines 40-44).

3.8 Regarding claim 33, Kamel teaches a list of categories (column 5, lines 59-64; column 10, lines 55-58).

3.9 Regarding claim 34, Kamel teaches that categories are separated from intended users (column 5, lines 59-64).

3.10 Regarding claim 35, Kamel teaches providing the messaging system to place a call to the party (column 10, lines 9-11; column 13, lines 16-24).

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Kamel teaches individual mailbox (column 4, lines 66-67), and identifying future messages from the party send to the user's mailbox (column 11, line 64 to column 12, line 17).

3.11 Regarding claim 36, examiner takes an official notice that it was well known in the art that a voicemail recipient was notified when a new voicemail message was received.

3.12 Regarding claim 38, Kamel teaches distribution parameters (column 11, line 64 to column 12, line 4), and matching distribution parameters (column 5, lines 15-16, 31-34; column 6, lines 16-17).

3.13 Regarding claims 39 and 43, Kamel teaches a message retaining period (column 12, lines 21-27).

3.14 Regarding claims 40 and 44, Kamel teaches incrementing a counter for said message (column 19, lines 25-35).

Response to Arguments

4. Applicant's arguments with respect to claims 1-5, 7-15, 18-28, 30-40, 43 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Examiner, Art Unit 2614

07/01/2008